

## IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.

*General Powers as to Property.*

Powers of Board as to property.

**23.** (1) The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the port or settlement of Aden; and shall also have power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them:

Proviso.

(2) Provided that no sale of immoveable property, and no lease of any such property for a term exceeding twenty-one years, shall be valid unless such sale or lease shall have been made with the previous sanction of Government.

Procedure to be observed when the Board are unable to acquire by agreement any immoveable property.

**24.** (1) When the Board are unable to acquire by agreement any immoveable property required for the purposes of this Act, Government may, in their discretion, order proceedings to be taken for acquiring the same on behalf of the Board as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870<sup>1</sup>.

(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the Board, and thereupon the said property shall vest in the Board.

Transfer of Government property to the Board. Provisos.

**25.** (1) The property specified in the Schedule A shall \* \* \* \* \* vest in the Board:

(2) Provided that—

- (a) if any question arises between the Government and the Board as to the boundaries of any portion of such property, Government may define and demarcate such boundaries, and the decision of Government in respect to such boundaries shall be final;
- (b) any portion of the land specified in the said schedule which shall be required by Government for a public purpose may be resumed by Government without claim to compensation on the part of the Board except for buildings or other permanent structures erected by the Board thereon;
- (c) any work which the Governor General in Council may consider necessary in the public interests may be executed by Government in or upon any of the property specified in the said schedule, without claim to compensation on the part of the Board, except for buildings or other permanent structures erected by the Board

<sup>1</sup> See now the Land Acquisition Act, 1894 (1 of 1894), General Acts, Vol. IV.

<sup>2</sup> The words and figure "upon and after the date notified by the Governor in Council under section 9" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

which it shall be necessary to clear away for the purposes of such work.

<sup>1</sup> [(3) Notwithstanding anything contained in or done under this section the crane on the Post Office pier entered as No. 23 in the said schedule shall whenever and so long as the use thereof may be required by or on behalf of Government, be rendered by the Board available for such use, free of charge.]

<sup>1</sup> [(4) The property specified in Schedule C shall, on and after such date as shall be notified in this behalf by the Governor in Council, vest in the Board.]

<sup>2</sup> [25A. Nothing in this Act or in any other enactment of the Governor of Bombay in Council shall be deemed to affect the proprietary right of Her Majesty to the bed of the sea facing lands on the shore, which are vested in Her Majesty, or the right of Her Majesty to reclaim any part of the bed of the sea; but the Board shall have, on and along the outer boundary wall or line and to seaward of any such reclamation of a part of the bed of the sea, the same rights, if any, as it would have under this Act or any such enactment, as aforesaid on or along the strand or foreshore or to seaward of the same, if no such reclamation had been made.]

26. All debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Political Resident on behalf of the Aden port fund shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board;

and all sums of money due to the said Aden port fund shall be deemed to be due to the Board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might but for the passing of this Act have been instituted, by or against the said Political Resident as manager of the Aden port fund, may be continued or instituted by or against the Board.

#### V.—OF THE POWERS AND DUTIES OF THE BOARD.

##### *Works.*

27. (1) The works to be constructed and carried out by the Board may include the following :—

- (a) cleaning, deepening and improving any portion of the port, and the construction, procuring and application of dredges and other machinery for that purpose ;

<sup>1</sup> Sub-sections (3) and (4) were added to s. 25 by s. 2 of the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act I of 1895), *infra*.

<sup>2</sup> This section was inserted by s. 3 *ibid*.